

Giuttari & Mertz Law Office P.C.

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June 26, 2014

Hon. Louis L. Stanton
United States District Court Judge
United States Court House
500 Pearl Street
New York, NY 10007-1312

**Re: American Tibetan Health Institute Inc. v. Ng et al (Case No. 13-cv-2763);
C&L Int'l Trading, Inc. et al v. American Tibetan Health Institute, Inc., et al. (Case
No. 13-cv-2638)**

Dear Judge Stanton:

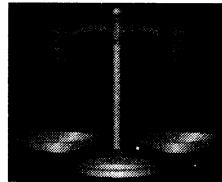
We are in receipt of your opinion and injunction in the above referenced case and would like to request a modification of the injunction you ordered.

We do not want to violate any of your Honor's Individual Practices, but are unsure whether under your rules regarding motions we are required to have a pre-motion conference, or since it is an application to modify an injunction, we can simply file motion papers.

The reason for our request is as follows: Paragraph 12 prohibits the sale of products marked or identified as "Baicao Tea", Paragraph 13 prohibits the sale of any product bearing the Baicao mark, and Paragraph 14 prohibits the sale of any product bearing the word "Baicao". My Chinese colleagues tell me that the word "Baicao", standing alone in Chinese, translates into English as "a combination of teas and spices". Accordingly, prohibiting our client from using the word "Baicao" individually or on any product would be equivalent to a situation where if Lipton sold a trademarked product called "Lipton Herbal Tea", they could prohibit others from using the word "Herbal".

We know that this could not be the intention of the injunction which seeks only to prevent confusion with ATHI's packaging and designs.

Accordingly, we want to request that Paragraph 12, 13 and 14 of the injunction be modified so that it does not prohibit our client from the use of a descriptive word such as "potpourri" or "potluck".



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We would appreciate your guidance as to how to proceed.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "I. Frederick Shotkin". The signature is fluid and cursive, with "I. Frederick" on the top line and "Shotkin" on the bottom line.

I. Frederick Shotkin

cc: Otto O Lee, Esq.